

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

JUAN MIGUEL GALLEGOS LOAIZA,

Defendants.

4:13CR3130

ORDER

A hearing was held on the defendant's pro se motion for new counsel. (Filing No. 430). The defendant appeared personally at the hearing and was allowed to fully explain his concerns. His counsel provided further information for the court's consideration. The defendant cited nothing warranting a change of counsel due to a conflict of interest, ineffective assistance of counsel, or lack of communication.

Although the defendant now claims he was promised a ten-year sentence if he pleaded guilty, during his change of plea hearing, the defendant acknowledged under oath that he was not promised anything in exchange for his guilty plea. In response to the court's questioning at the plea hearing, the defendant stated he understood the court would consider all relevant facts in determining a sentence, and after doing so, could sentence the defendant above any guideline calculation discussed with his counsel.

The defendant is actually requesting leave to withdraw his plea of guilty. He wants to start this case over from the beginning. Such relief cannot be accomplished by moving for new counsel.

Accordingly,

IT IS ORDERED that Defendant's motion for new counsel, (Filing No. 430), is denied.

June 11, 2015.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge